

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Tuesday, March ____, 2013, at 6:00 p.m. in the Mastic Beach Fire Department Headquarters, _____, Mastic Beach, New York, by the Village Board of the Incorporated Village of Mastic Beach **TO AMEND SECTION 178-7 OF CHAPTER 178 OF THE VILLAGE CODE TO REQUIRE A CERTIFICATE OF OCCUPANCY**, a copy of which proposed local law is on file at the Office of the Village Clerk.

At said Public Hearing any person interested will be given the opportunity to be heard.

Virgilia Gross
Village Clerk

Dated: February ____, 2013

**AMENDMENT OF SECTION 178-7 OF CHAPTER 178 OF THE VILLAGE CODE TO
REQUIRE A CERTIFICATE OF OCCUPANCY**

Be it enacted by the Village Board of the Incorporated Village of Mastic Beach:

The Code of the Incorporated Village of Mastic Beach, County of Suffolk, New York, is amended by:

Adding Section 178-7 of Chapter 178 of the Village Code which shall read as follows:

[New Language]

[Language to be Deleted]

§ 178-7. Certificates of occupancy/certificates of compliance.

A. No person shall occupy or use any building or structure hereinafter erected or altered or enlarged, changed or altered, wholly or partly, in either its use or structure unless a certificate of occupancy is issued by the Building Inspector after he has determined that the conditions of the building permit and the ordinances and local laws of the Village have been complied with.

B. Upon the recommendation of the Building Inspector, the Housing Inspector or the Planning Board, the Board of Trustees may revoke an existing certificate of occupancy or certificate of existing use upon a showing that the subject premises are being occupied or used in violation of an approved site plan or in violation of any condition or regulation imposed by the Board of Appeals, the Planning Board or the Board of Trustees or in violation of any covenant which has been recorded by agreement with or at the granting of any variance, special exception, permit, subdivision or site plan approval, certificate of existing use, Zoning Map amendment, amendment of any provision of the Zoning Chapter of the Village Code or in connection with any other matter properly before any such Board. The Board of Trustees may also direct that such occupancy or use be discontinued. Said order of the Board of Trustees shall be made after a hearing held on notice to the last owner of record of the subject premises as indicated by the current assessment roll. In the event that the Board of Trustees directs that such occupancy or use be discontinued or in the event that a parcel is being used or occupied without an approved site plan, the Village Attorney or any other designated counsel for the Village is authorized to commence proceedings in a court of appropriate jurisdiction to restrain said use or occupancy. However, such proceeding shall not be the exclusive remedy of the Village, and any violator may be prosecuted in the Village Court for the penalties provided by § 1-1 of the Village Code.

AC. Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or

structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.

BD. Applications for certificates of occupancy/certificates of compliance.

(1) Applications for a certificate of occupancy/certificate of compliance shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner.

(2) Before the issuance of a certificate of occupancy/certificate of compliance and whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the applicable local laws, ordinances or regulations, the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer may require the same to be subjected to tests in order to furnish proof of such compliance. The expense in connection therewith shall be borne by the applicant.

(3) An application for a certificate of occupancy/certificate of compliance shall be accompanied by an affidavit of the registered architect or the licensed professional engineer who filed the original plans or of the registered architect or the licensed professional engineer who supervised the construction of the work or of the superintendent of construction who supervised the work and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy/certificate of compliance is sought. The affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy/certificate of compliance is sought, that the structure has been erected in accordance with the approved plan and as erected complies with the law governing building construction, except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.

(4) In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy/certificate of compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy/certificate of compliance:

(a) A written statement of structural observations and/or a final report of special inspections; and

(b) Flood hazard certifications.

CE. Issuance of certificates of occupancy/certificates of compliance.

(1) The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance.

(2) The Code Enforcement Officer shall issue a certificate of occupancy/certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code.

DE. Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:

- (1) The building permit number, if any;
- (2) The date of issuance of the building permit, if any;
- (3) The name, address and Tax Map number of the property;
- (4) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;
- (5) The use and occupancy classification of the structure;
- (6) The type of construction of the structure;
- (7) The assembly occupant load of the structure, if any;
- (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) Any special conditions imposed in connection with the issuance of the building permit; and
- (10) The signature of the Code Enforcement Officer issuing the certificate of occupancy/certificate of compliance and the date of issuance.

EG. Temporary certificate. The Code Enforcement Officer shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Code Enforcement Officer issue a temporary certificate unless the Code Enforcement Officer determines that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely, that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of

time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

FH. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

GI. Fee. The fee specified in or determined in accordance with the provisions set forth in § 178-16, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy/certificate of compliance or for a temporary certificate.

This Local Law shall take effect immediately.

Aye Nay

___ ___ Mayor Biondi

___ ___ Trustee Bissonette

___ ___ Trustee Cappiello

Aye Nay

___ ___ Trustee Morrow

___ ___ Trustee Stiriz

Dated: March __, 2013

Virgilia C. Gross - Village Clerk

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of **The Incorporated Village of Mastic Beach**

Town

Village

Local Law No. ____ of the year 2013.

A LOCAL LAW OF THE VILLAGE OF MASTIC BEACH

The Amended Section 178-7 of Chapter 178 of the Village Code which shall read as follows:

§ 178-7. Certificates of occupancy/certificates of compliance.

A. No person shall occupy or use any building or structure hereinafter erected or altered or enlarged, changed or altered, wholly or partly, in either its use or structure unless a certificate of occupancy is issued by the Building Inspector after he has determined that the conditions of the building permit and the ordinances and local laws of the Village have been complied with.

B. Upon the recommendation of the Building Inspector, the Housing Inspector or the Planning Board, the Board of Trustees may revoke an existing certificate of occupancy or certificate of existing use upon a showing that the subject premises are being occupied or used in violation of an approved site plan or in violation of any condition or regulation imposed by the Board of Appeals, the Planning Board or the Board of Trustees or in violation of any covenant which has been recorded by agreement with or at the granting of any variance, special exception, permit, subdivision or site plan approval, certificate of existing use, Zoning Map amendment, amendment of any provision of the Zoning Chapter of the Village Code or in connection with any other matter properly before any such Board. The Board of Trustees may also direct that such occupancy or use be discontinued. Said order of the Board of Trustees shall be made after a hearing held on notice to the last owner of record of the subject premises as indicated by the current assessment roll. In the event that the Board of Trustees directs that such occupancy or use be discontinued or in the event that a parcel is being used or occupied without an approved site plan, the Village Attorney or any other designated counsel for the Village is authorized to commence proceedings in a court of appropriate jurisdiction to restrain said use or occupancy. However, such proceeding shall not be the exclusive remedy of the Village, and any violator may be prosecuted in the Village Court for the penalties provided by § 1-1 of the Village Code.

C. Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.

D. Applications for certificates of occupancy/certificates of compliance.

(1) Applications for a certificate of occupancy/certificate of compliance shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner.

(2) Before the issuance of a certificate of occupancy/certificate of compliance and whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the applicable local laws, ordinances or regulations, the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer may require the same to be subjected to tests in order to furnish proof of such compliance. The expense in connection therewith shall be borne by the applicant.

(3) An application for a certificate of occupancy/certificate of compliance shall be accompanied by an affidavit of the registered architect or the licensed professional engineer who filed the original plans or of the registered architect or the licensed professional engineer who supervised the construction of the work or of the superintendent of construction who supervised the work and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy/certificate of compliance is sought. The affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy/certificate of compliance is sought, that the structure has been erected in accordance with the approved plan and as erected complies with the law governing building construction, except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.

(4) In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy/certificate of compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy/certificate of compliance:

(a) A written statement of structural observations and/or a final report of special inspections; and

(b) Flood hazard certifications.

E. Issuance of certificates of occupancy/certificates of compliance.

(1) The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance.

(2) The Code Enforcement Officer shall issue a certificate of occupancy/certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code.

F. Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:

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(5) The use and occupancy classification of the structure;

(6) The type of construction of the structure;

(7) The assembly occupant load of the structure, if any;

(8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) Any special conditions imposed in connection with the issuance of the building permit; and

(10) The signature of the Code Enforcement Officer issuing the certificate of occupancy/certificate of compliance and the date of issuance.

G. Temporary certificate. The Code Enforcement Officer shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Code Enforcement Officer issue a temporary certificate unless the Code Enforcement Officer determines that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely, that any fire- and smoke-detecting or fire protection equipment which has

been installed is operational, and that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

H. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

I. Fee. The fee specified in or determined in accordance with the provisions set forth in § 178-16, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy/certificate of compliance or for a temporary certificate.

Effective Date:

This Local Law shall take effect immediately.

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 2013 of the Incorporated Village of Mastic Beach was duly passed by the Village Board on _____ 2013 in accordance with applicable provisions of law.

Virgilia Gross - Village Clerk

Dated: _____, 2013

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

Dated: _____, 2013

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